



RECEIVED
OCT 16 2003

TECH CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ault-Riche *et al.*

Serial No.: 09/910,120

Conf. No.: 1666

Filed: July 18, 2001

For: **COLLECTIONS OF BINDING PROTEINS
AND TAGS AND USES THEREOF FOR
NESTED SORTING AND HIGH
THROUGHPUT SCREENING**

Art Unit: 1639

Examiner: Tran, M.

ELECTION AND PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Requirement for Restriction, mailed April 8, 2003, Applicant elects for search purposes, with traverse, species where the oligonucleotide comprises a polypeptide-encoding region (*i.e.*, has formula 5'-E_m-3'), where each polypeptide that binds to a capture agent is encoded by a region designated E_m that is at least about 14 nucleotides. Applicant also elects capture agents that are antibodies for search purposes.

The requirement also requests identification of "the point of attachment to the capture compound." The claims are directed to a combination that contains a set of capture agents and a set of oligonucleotides. The oligonucleotides are not linked to the capture agents. The oligonucleotides encode polypeptides to which the capture agents bind, and, are used as primers for amplification of nucleic acid libraries; upon amplification a polypeptide encoding region is added to nucleic acid members of the library. Upon translation of the library members, the resulting polypeptides comprise a tag, which specifically binds to a capture agent.

Hence no point of attachment can be elected.

10/15/2003 WASFAW1 00000074 09910120

01 FC:2255

1005.00 OP

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number
EV338078609US

Date of Deposit October 7, 2003

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Jonathan Ong

U.S.S.N. 09/910,120

Ault-Riche *et al.*

ELECTION AND PRELIMINARY AMENDMENT

Claims 1-37 and 93-95 as well as 49-54 read on the elected species, since each encompasses combinations or uses thereof where the oligonucleotides that encode the polypeptides include a polypeptide-encoding region that binds to the capture agents, and where the capture agents are antibodies (including polypeptide-binding fragments thereof).

Amendments to the Claims are reflected in the listing of the claims, which begins on page 3 of this paper.

Remarks begin on page 9 of this paper.